

SENATE BILL 979
By Bryson

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 10, relative to campaign finances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Tennessee Code Annotated, Section 2-10-105, is amended by deleting subsection (c) and by substituting instead the following:

(c) The statements required by subsections (a) and (b) shall be filed electronically pursuant to § 2-10-211(c) or by overnight mail, facsimile machine, hand delivery, as often as shall be necessary in order to ensure that all contributions are reported within five (5) calendar days of receipt and that all expenditures are reported within five (5) calendar days of the time made.

(b) Tennessee Code Annotated, Section 2-10-105, is further amended by deleting subsection (d) and by substituting instead the following:

(d) Each multicandidate political campaign committee shall fully comply with the contribution and expenditure reporting requirements set forth in subsection (c) and § 2-10-107.

(c) Tennessee Code Annotated, Section 2-10-105, is further amended by deleting subsections (g) and (h).

SECTION 2. Tennessee Code Annotated, Section 2-10-106, is amended by deleting subsection (a).

SECTION 3. Tennessee Code Annotated, Section 2-10-107, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Each § 2-10-105(c) statement shall set forth:

(1) Under "contributions", a list of all contributions received within the previous five (5) calendar days; and the statement shall list the full name and complete address of each person who contributed during the period for which the statement is submitted, and the amount contributed by that person. The statement of each candidate shall include the date of the receipt of each contribution and the statement of a political campaign committee shall include the date of each expenditure which is a contribution to a candidate; and

(2) Under "expenditures", a list of all expenditures made within the previous five (5) days; and the statement shall list the full name and complete address of each person to whom a total amount of more than one hundred dollars (\$100) was paid during the period for which the statement is submitted, the total amount paid to that person, and the purpose thereof. The statement shall list the total amount of expenditures of one hundred dollars (\$100) or less each, by category, without showing the exact amount of or vouching for each such expenditure.

(b) When any candidate or political campaign committee desires to close out a campaign account, it may file a statement to such effect at any time; provided, that the statement shall on its face show no unexpended balance, continuing debts or obligations or deficit.

(c)

(1) When filing a § 2-10-105(c) statement, a contribution, as defined in § 2-10-102(4), for which no monetary consideration is paid or promised, hereinafter referred to as an "in-kind contribution," shall be listed separately in the disclosure statement and excluded from the lists of contributions and expenditures. The "in-kind contribution" list shall include:

(A) In-kind contributions of one hundred dollars (\$100) or less may be listed as a single item; and

(B) In-kind contributions of more than one hundred dollars (\$100) during the period for which the statement is submitted, and for each such contribution, the name and address of each person who contributed it.

The statement of each candidate shall include the date of the receipt of each in-kind contribution and the statement of a political campaign committee shall include the date of each expenditure which is an in-kind contribution to a candidate.

(2) By rule promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the registry of election finance shall enumerate a nonexclusive listing of examples of the various categories of contributions which constitute "in-kind contributions" requiring disclosure. Upon promulgating such rule, the registry shall provide a copy of such rule to each member of the general assembly.

(d) An in-kind contribution is deemed to be made when such contribution is made or performed and not when the cost is billed or paid. The actual cost of the in-kind contribution, if known, shall be reported in the period such contribution is made or performed. If the actual cost of the in-kind contribution is not known, an estimate of the cost shall be reported in the period such contribution is made or performed, and the report shall indicate that the amount reported is estimated. If the actual cost, as indicated on the bill, is different from the amount reported, such amount shall be amended or adjusted on a later report covering the period in which payment is made.

(e) A § 2-10-105(c) statement filed shall also list any unexpended balance, any deficit and any continuing financial obligations of the candidate, campaign or committee.

(f) Payments to a person as reimbursement for expenditures made by the person on behalf of the candidate or committee shall be disclosed as payments to the person who provided the item or service to the candidate or committee.

SECTION 4. Tennessee Code Annotated, Section 2-10-113, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 2-10-206(a), is amended by deleting subdivision (3) and by substituting instead the following:

(3) Promptly make each report and statement filed available for public inspection and copying during regular office hours at the expense of any person requesting copies of the same and promptly post information on contributions and expenditures on the Internet pursuant to § 2-10-211(a)(5) .

SECTION 6. Tennessee Code Annotated, Section 2-10-211(a)(5), is amended by deleting the final sentence.

SECTION 7. Tennessee Code Annotated, Title 2, Chapter 10, Part 3, is amended by deleting §§ 2-10-302, 2-10-303, 2-10-304, 2-10-305, 2-10-306, 2-10-307 and 2-10-309.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect January 1, 2006, the public welfare requiring it.